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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JAMES KEVIN PITTS,

12 Petitioner,

13 v.

14 JIM MACDONALD,

15 Respondent.

Case No. C08-5386RJB-KLS

ORDER FOR SERVICE AND
RETURN, § 2254 PETITION

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18 The Court hereby ORDERS as follows:


19 (1) The Clerk shall arrange for service by certified mail upon respondent and the Attorney
20 General for the State of Washington, copies of the petition, and all documents in support thereof. All
21 costs of service shall be advanced by the United States. The Clerk shall assemble the necessary
22 documents to effect service. In addition, the Clerk shall send petitioner a copy of this Order, and the
23 General Order.

24 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve an answer
25 in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part
26 of such answer, respondent(s) should state whether petitioner has exhausted available state remedies,
27 whether an evidentiary hearing is necessary, and whether there is any issue of abuse or delay under
28 Rule 9. Respondent shall not file a dispositive motion in place of an answer without first showing cause

1 as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of the Court and
2 serve a copy of the answer upon petitioner.

3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon
4 receipt of the answer the Clerk will note the matter for consideration on the fourth Friday after the answer
5 is filed, petitioner may file and serve a response not later than on the Monday immediately preceding the
6 Friday appointed for consideration of the matter, and respondent may file and serve a reply brief not later
7 than on the Thursday immediately preceding the Friday designated for consideration of the matter.

8 DATED this 24th day of July, 2008.

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12 Karen L. Strombom
13 United States Magistrate Judge
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